
SCRUTINY PANEL A
MINUTES OF THE MEETING HELD ON 6TH FEBRUARY 2014

Present: Councillors Burke (Chair), Claisse (Vice-Chair), L Harris, Lloyd, McEwing, Mintoff and Vinson

6. **PLANNING ENFORCEMENT**

The Panel considered the report of the Assistant Chief Executive detailing the Council's approach to planning enforcement.

Cllr Letts was in attendance and gave an overview of the matters that the Scrutiny Panel were considering.

With regards to permitted development rights, clarity had been sought with regards to HMOs and whether they were included, and Government had confirmed that they were. Which meant that it would be possible for every HMO to increase in size within the new guideline on permitted development. There were concerns that this could have an impact on the desire for balanced neighbourhoods.

The HMO registration scheme was in place in 4 pilot areas and there was the possibility of expanding the scheme to other areas within the City.

Concerns in relation to the current Article 4 which treated parts of the City differently with regards to the percentage for HMOs. It was questioned as to whether there needed to be consistency across the City.

There was a need for appropriate accommodation to meet the needs of the population in the City, which included students and young working people. This need would also be driven by the changes to the benefits system. Purpose build accommodation for students would be encouraged.

Cllr Blatchford, Chair of the Planning and Rights of Way Panel was also in attendance and briefly outlined the experiences of the Panel Members and the issues relating to HMOs and planning enforcement.

Chris Lyons explained that the Council had challenged whether HMOs had permitted development rights, but the Government have now confirmed their position and that of the Planning Inspectorate and the rights do apply to HMOs.

He explained that the historical issues relating to planning enforcement were being addressed. There had been a restructure within the department and now Planning and Enforcement were part of the same team which he was responsible for. The links with Legal Services had also been made stronger. The back log of cases had been cleared.

There was a legal system to operate in and they would only take action if it was expedient to do so. This would normally look at whether any harm was being caused by the breach. Even if action was being taken, there was a right of appeal and this

process took some time, which often meant local residents felt no action was being taken.

It was clarified that it was not possible to serve stop notices on dwelling houses and this included HMOs.

It was suggested that as the audit report on the enforcement process was so poor that maybe it would be beneficial to have a new report in order to see how things had progressed and improved.

Chris Lyons confirmed that a HMO only needed to prove that it had been used as such for 4 years now. It had previously been 10 years. He stated that if member of the public provided them with evidence about the use of a dwelling they would always investigate.

It would only be possible to provide information about enforcement once action became formal. Prior to this the information would be confidential as it was possible there was no breach taking place.

Concerns were raised again about the different percentage levels of HMOs allowable in different areas of the City. It was reiterated that this would be a matter for the Panel to make a recommendation on.

It was agreed that as statistics showed that the HMO split was 50% students and 50% others, then more needed to be done to perhaps promote accommodation on the east of the City which would then possibly allow for a better balance.

There was some concern raised that the Education establishments positively discouraged students living on the east of the City and it was agreed that this would need to be investigated to confirm if this was the case.

It was suggested that maybe some work could be undertaken to find out what the need was for HMOs and then discuss further where this need could be best met.

A representative from Pointout Residents Association felt that it would be best if there was equality across the City with regards to the percentage of HMOs allowed.

Highfield Residents Association expressed their concern with regards to HMOs being able to take advantage of the permitted development rights. They felt that if it was not possible to impose an Article 4 to stop this happening then it was against the Governments desire to allow local areas to control matters locally.

Chris Lyons reiterated that our current Article 4 related to applications for change of use. It has no impact on permitted development rights for dwellings that already had permission to be HMOs.

Concerns were raised again about anti social problems caused by HMOs tenants, which were usually students. There seemed to be no cause of redress as they had often left before any action was even considered. As well as noise nuisance there was also concern about the condition of the street scene.

Chris Lyons stated that if matters were reported they would be investigated. However they were not able to take a more pro-active role and address matters without complaints due to resource implications.

He stated that often once someone has been approached about an issue the matter was resolved without needing to take the matter further. It was not possible to publish these details as this would be against data protection rules.

It was agreed that education was the way to ensure new tenants were aware of issues, such as not over filling wheelie bins. Unfortunately tenants often changed and it was hard to ensure that news tenants were always reached.

There was a suggestion that small schemes could be established with residents associations, landlords and tenants all working together to improve neighbourhoods. Best practise could then be shared with other areas in the City.